

City Council Introduction: **Monday**, June 7, 2004
Public Hearing: **Monday**, June 14, 2004, at **1:30 p.m.**

Bill No. 04-106

FACTSHEET

TITLE: **STREET VACATION NO. 03020**, requested by West Point, L.L.C., to vacate the east-west alley between South Street and Saylor Street, west of 55th Street.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 02/04/04
Administrative Action: 02/04/04

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent).

FINDINGS OF FACT:

1. The staff recommendation to find the proposed alley vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3.
2. On February 4, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
3. On February 4, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed alley vacation to be in conformance with the Comprehensive Plan.
4. The appraisal of the property to be vacated by the City Real Estate Division is found on p.7-8, the total value being \$7,065.00.
5. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 1, 2004

REVIEWED BY: _____

DATE: June 1, 2004

REFERENCE NUMBER: FS\CC\2004\SAV.03020

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 4, 2004 PLANNING COMMISSION MEETING

P.A.S.: Street & Alley Vacation #03020

PROPOSAL: Vacate the east-west alley between South St. and Saylor St. west of 55th St.

LOCATION: 55th St. and South St.

LAND AREA: Approximately 4,180 sq. ft.

CONCLUSION: The vacation of this alley conforms to the Comprehensive Plan.

| | |
|-------------------------------|------------------------------------|
| <u>RECOMMENDATION:</u> | Conforms to the Comprehensive Plan |
|-------------------------------|------------------------------------|

GENERAL INFORMATION:

LEGAL DESCRIPTION: East-west alley of Block 9 Second Addition to Normal, from the east line of Outlot "A", Midtown Business Park to the west line of South 55th St.

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|----------------------------|--|
| North: | R-2 Residential | Single family dwellings and parking lot. |
| South: | B-1 Local Business | Office building |
| East: | R-2 Residential | Single family/two family dwellings |
| West: | R-T Residential Transition | Parking lot, proposed office buildings. |

HISTORY:

| | |
|---------------------------|--|
| October 29, 2003 | Midtown Business Park final plat was approved by the Planning Director. |
| September 22, 2003 | Use Permit #153, Midtown Business Park, was approved by City Council |
| September 22, 2003 | Special Permit 638A, for a parking lot in a residential district was approved by City Council. |

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map of the 2025 Comprehensive Plan designates this area as Commercial to the south and Urban Residential to the north.

UTILITIES: There are existing electrical and cable lines. There is one streetlight in the alley.

TRAFFIC ANALYSIS: S. 55th St. is a local street.

ANALYSIS:

1. When Use Permit 153 and Special Permit 638A were submitted, the applicant stated that the alley vacation would be submitted at a later date.
2. There is one street light in the alley. Currently the City pays a monthly fee to LES. This street light must either be removed or the applicant must pay the monthly fee to LES.
3. The alley serves as access to a parking lot and one house. The house has a garage that takes access from the alley. The City will retain the public access easement when the City sells the vacated alley. This will allow access to the garage for the homeowner.
4. The alley is not a through alley. It terminates at the east line of Outlot "A", Midtown Business Park. Outlot "A" is a proposed parking lot.
5. Upon approval of this request, the alley approach must be removed and replaced with curb & gutter. Applicant must post a surety in the amount of \$1,000.00 to guarantee the work.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Post a bond in the amount of \$1,000.00 to guarantee the removal of the alley approach and construction of new curb, gutter and sidewalk.
- 1.3 An agreement with LES to either remove the street light or that the applicant pay the monthly fee must be established.

Prepared by:

Tom Cajka
Planner

DATE: January 21, 2004

APPLICANT: West Point L.L.C.
3730 south 14th St.
Lincoln, NE 68502
(402) 434-5450

OWNER: same as applicant

CONTACT: Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Rd. Suite "C"
Lincoln, NE 68512
(402) 434-2424

STREET & ALLEY VACATION NO. 03020

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

January 21, 2004

Members present: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor; Larson absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 70HP; CHANGE OF ZONE NO. 80HP; SPECIAL PERMIT NO. 04002; COUNTY FINAL PLAT NO. 03075, WYNDAM PLACE 1ST ADDITION; STREET AND ALLEY VACATION NO. 03020; STREET AND ALLEY VACATION NO. 03021; STREET AND ALLEY VACATION NO. 04001; and WAIVER NO. 04001.**

Item No. 1.3, Special Permit No. 04002, was withdrawn by the applicant. Item No. 1.7, Street and Alley Vacation No. 04001, was removed from the Consent Agenda at the request of Commissioner Pearson and scheduled for separate public hearing.

Marvin moved to approve the remaining Consent Agenda, seconded by Taylor and carried 8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent.

Note: This is final action on Waiver No. 04001, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2002 aerial

Street & Alley Vacation #03020 S. 55th & South St.

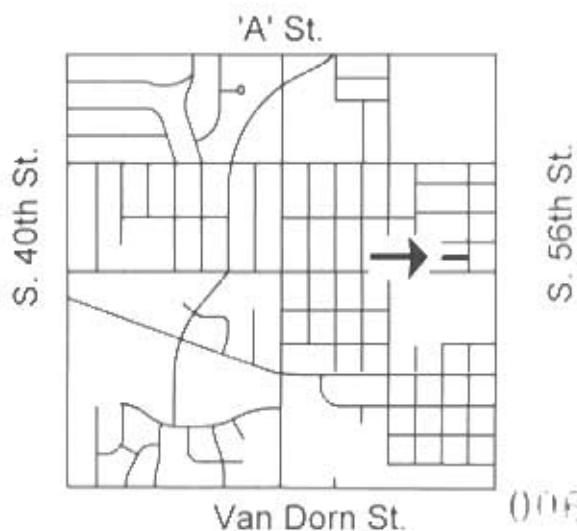
Zoning:

| | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| D-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
Sec. 32 T10N R7E



Zoning Jurisdiction Lines
City Limit Jurisdiction



006

INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: May 6, 2004

COPIES TO: Joan Ross
Marvin Krout
Dana Roper
Byron Blum

SUBJECT: Street & Alley Vacation No. 03020
East-West Alley between South and
Saylor Streets, west of 55th Street

A request has been made to vacate the alley lying westerly from South 55th Street between Saylor and South Streets. This is a paved alley which dead-ends on the west end into the parking lot associated with an office building under construction. There is a retaining wall along the south side of the alley with the property to the south being approximately 3 feet below the grade of the alley while the property to the north is at the alley grade and then rises slightly to the north. The only utilities observed in the alley were overhead lines that appeared to be for electric as well as telephone and cable. Representatives from Alltel and Lincoln Electric System have indicated a portion of that line will be removed and it is only necessary to retain easements to the north 5 feet of the easterly 100 feet of the area to be vacated. This easement is needed to provide service to the 2 residential lots on the north side at the east end of the alley. It appears there are no other utilities within the area.

Long, narrow strips such as this tend to have very little utility, hence very little value as a free-standing parcel. However, once they are assembled into the abutting property, they take on the value of the property to which they are assembled. In this case, the surrounding zoning is both residential and business. A portion of the residential property abutting the alley is utilized as parking in conjunction with the office building opposite the alley. As such, it tends to have a value more in line with the office use of the property. The value of office land is expected to fall in the range of \$5 to \$7 per square foot. The value of the area to be vacated would be expected to fall at the lower end of the range because of the varied zoning. The 2 residential lots on the easterly end of the alley are considered to have a residential lot value more in the neighborhood of \$3.50 per square foot. The value of the vacated alley will be apportioned according to what is adjacent with respect to zoning and land uses.

The majority of the alley (the south half of the entire alley and the north half from a point 100 feet west of the 55th Street right-of-way line to the westerly end) is adjacent to properties having a more intense business zoning and office use. The value of these abutting properties is estimated at \$5 per square foot. It is expected while a owner would not pay 100% of the anticipated value of the area once it is assembled into their land; they would pay somewhere between 25% and 50% of that value. In this case, a value of 40% of the abutting land value, or \$2 per square foot, is considered appropriate.

The north half of the alley adjacent to the 2 residential lots at the easterly end are considered to have a lower value due to the zoning and use and the retention of an easement for utilities. Because of its long, narrow shape and the existence of utilities which will have to be accessed on a somewhat frequent basis, the area, if vacated, would be considered to have only a nominal value of \$0.15 per square foot.

The total value of the alley, should it be vacated, is considered to be \$7,065.00 broken down as follows:

Street & Alley Vacation No. 03020

May 6, 2004

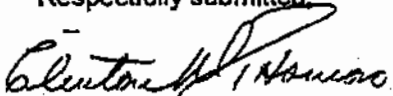
page 2

| | | | | | |
|-----------------------------|---------------|---|----------------|---|------------|
| North Half of East 100 feet | 700 sq. ft. | X | \$0.15/sq. ft. | = | \$ 105.00 |
| Remainder of alley | 3,480 sq. ft. | X | \$2.00/sq. ft. | = | \$6,960.00 |

Therefore, it is recommended, if the alley be vacated, it be sold to the abutting property owners on the following basis:

| | |
|--|------------------------------------|
| North half of the easterly 100 feet of the alley | \$105, or \$52.50 per abutting lot |
| Remainder of the alley | \$6,960 |

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dgc